

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TONY C. BENNETT,)
)
Plaintiff,)
)
v.)
CAPTAIN D. BENNETT, et al.,) Civil Action No. 07-91J
) Judge Gibson
) Magistrate Judge Caiazza
Defendants.)

MEMORANDUM ORDER

Tony C. Bennett's civil rights complaint was received by this Court on April 23, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on March 3, 2008, recommended that the Defendants' Motion to Dismiss (Doc. 35) be granted. It was also recommended that the Plaintiff's Motion ^{to} Amend the Complaint (Doc. 39) be denied. The parties were allowed ten days from the date of service to file objections. The Plaintiff was granted an extension of time to file objections, and he did so on April 30, 2008 (Doc. 51).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 6th day of May, 2008,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the

Defendants (Doc. 35) is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Amend the Complaint (Doc. 39) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 46), dated March 3, 2008, is adopted as the opinion of the court. The Clerk is directed to mark the case CLOSED.



Kim R. Gibson
U.S. District Court Judge

cc:

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